

May 13, 2011

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



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Attorneys for Debtors

The following constitutes  
the order of the court. Signed May 13, 2011

  
Roger L. Efremsky  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 11-42330 RE

KENNETH LAROI DILLARD and  
ELLEN LIM DILLARD,

Chapter 13

Debtors.

ORDER VALUING LIEN OF LITTON  
LOAN SERVICING, LP AS  
SUCCESSOR IN INTEREST TO  
FIELDSTONE MORTGAGE COMPANY

On April 19, 2011, Kenneth and Ellen Dillard (hereinafter Debtors) served a motion to value the lien of Litton Loan Servicing, LP as successor in interest to Fieldstone Mortgage Company (hereinafter Lienholder) against the property commonly known as 4710 San Pablo Dam Road, El Sobrante, CA 94803, which lien was recorded in Contra Costa County on or about June 24, 2005 as document 0230691-01 (hereinafter the Lien).

The court finds that notice of the motion upon Lienholder was proper. Lienholder having failed to file timely opposition to Debtors' motion, the court hereby orders as follows:

1           (1) For purposes of Debtors' chapter 13 plan only, the Lien is  
2 valued at zero, Lienholder does not have a secured claim, and the Lien  
3 may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and  
4 1327.

5           (2) This order shall become part of Debtors' confirmed chapter 13  
6 plan.

7           (3) Upon entry of a discharge in Debtors' chapter 13 case, the  
8 Lien shall be voided for all purposes, and upon application by  
9 Debtors, the court will enter an appropriate form of judgment voiding  
10 the Lien.

11           (4) If Debtors' chapter 13 case is dismissed or converted to one  
12 under another chapter before Debtors obtain a discharge, this order  
13 shall cease to be effective and the Lien shall be retained to the  
14 extent recognized by applicable nonbankruptcy law, and upon  
15 application by the Lienholder, the court will enter an appropriate  
16 form of order restoring the Lien.

17           (5) Except as provided by separate, subsequent order of this  
18 court, the Lien may not be enforced so long as this order remains in  
19 effect.

20                               \*\*\* END OF ORDER \*\*\*

COURT SERVICE LIST

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